

The Cheshire East Council Lane Rental Scheme

Scheme Document

Version 1 – April 2025

Document Control Sheet

DRAFT

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Introduction

The New Roads & Street Works Act 1991 (NRSWA), as amended by the Transport Act 2000 and the Traffic Management Act 2004 (TMA), contains provision for Highway Authorities to operate lane rental schemes that involve charging Promoters for the time their street or road works occupy the highway.

The Regulations are the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 ("the Regulations") made under Section 74A of NRSWA.

The Cheshire East Lane Rental Scheme (CELRS) has been introduced to enable Cheshire East Council to support their duty to co-ordinate and manage all street and road works, also known as activities, on the highway to minimise disruption.

Cheshire East Council (CEC) maintains an extensive highway network of over 2,700km of roads and 2,200km of footways across the borough.

The CELRS is expected to become operational during the 2025/26 financial year pending approval from the Department for Transport (DfT) and Secretary of State (SoS).

Cheshire East Council are introducing the CELRS to improve the Council's ability to effectively manage and reduce disruption from activities on the highway network.

Cheshire East Council currently operate under the West and Shires Permit Scheme (WaSP) where all works promoters looking to carry out activities on the highway network must apply for the appropriate permissions from CEC in advanced of the works being undertaken. The CELRS has been designed to work alongside the WaSP scheme to further enhance the powers the Council has to mitigate the impact of roadworks on the highway network.

The power for Local Highway Authorities to introduce and implement lane rental schemes within their areas is subject to the relevant approvals from the Secretary of State.

In accordance with the DfT's Guidance for Lane Rental Schemes, CEC has consulted with all relevant stakeholders during the development of the CELRS.

Objectives

The CELRS aims to mitigate and reduce the amount of disruption to the Highway Network within Cheshire East by encouraging works Promoters to undertake activities during the least disruptive time for road users, and for completing works in a timely manner.

The CELRS has been designed to reduce the number of activities being undertaken at specified times by applying a daily charge for occupation of that street during chargeable hours.

Daily charges will not be applied where the activities take place wholly outside of the specified times of the lane rental street. The CELRS will consider waiving or reducing the charges where it's considered that the scheme makes significant improvements to or extends the life of the highway infrastructure.

The CELRS provides a formal mechanism for providing all activities Promoters with an incentive to improve their operational behaviour and reduce their occupation of any lane rental street at the most sensitive times.

The CELRS can be applied using the following principles:

- The cost associated with the disruption from activities being undertaken on the highway network must be recognised.
- The inconvenience caused by activities to all people using the highway network must be reduced. Particularly those people with accessibility requirements and other vulnerable road users such as pedestrians or cycling.

The CELRSs defined objectives are to:

- Consistently apply the scheme across all works Promoters
- Encourage positive behaviour change to reduce the duration to which the highway network is occupied at most sensitive locations at the most sensitive times.
- Contribute to reducing the impact of disruption to all road users.
- Reduce and minimise the number of activities being undertaken during the most traffic sensitive times for that location.

Cheshire East Council will monitor, measure, and evaluate these objectives as to whether they are being met by the CELRS. The Evaluation and Governance section of this document will identify the means by which this will be achieved.

National Infrastructure

The CELRS will support UK national infrastructure projects where possible which include:

- Significant Rail infrastructure improvement schemes
- Preparing for 100% electric vehicle sales by 2035
- Ensuring reliance to extreme drought
- Nationwide full fibre broadband by 2030
- Clean Power by 2030 and Net Zero by 2050
- 55% of plastic packaging to be recycled by 2030
- A national standard of flood resilience for all communities by 2050

Improvements Expected

The expected improvements as a result of the introduction of the CELRS are:

- A reduction in works taking place at traffic sensitive times across all designated lane rental streets.
- Positive behavioural changes that reduce the duration of occupation of the highway at the busiest locations at traffic sensitive times on the highway network.
- Further contributions towards improving journey time reliability when travelling through the Cheshire East Highway Network.

Regulatory Compliance

The New Roads and Street Works Act 1991 (NRSWA) contains provision for two forms of charging for works:

- Section 74 – Charge for occupation of the highway where works are unreasonably prolonged.
- Section 74A – Charge determined by reference of works duration.

The CELRS applies charges that are determined by the duration of works and is based on the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012 (the “Lane Rental Regulations”) made under Section 74A and has been designed to operate in conjunction with Section 74 of NRSWA and the Traffic Management Permit Scheme Order (WaSP), subject to certain exemptions on charges and fees contained within the scheme.

Within the regulations, The Prescribed Charge is multiplied by the number of days, including part days, thus calculating the duration of the street works.

Cheshire East Council has operated under the WaSP scheme across all of its Highway Network since 2015. All provisions of that scheme and those set out under Section 50 of NRSWA apply to the scheme.

Section 59 of NRSWA places the duty on Highway Authorities to -co-ordinate works of all kinds on the highway. The parallel duty under Section 60 of NRSWA places the duty on Works Promoters to co-operate in this process.

In addition to the duties place upon Cheshire East Council under Section 59 of NRSWA, Cheshire East Council has a further duty under Section 16 of the Traffic Management Act (TMA) to manage its road network appropriately with a view to achieving, as far as reasonably practicable:

- Securing the efficient movement of traffic on the Local Traffic Authority’s Road Network
- Facilitating the efficient movement of traffic on highway networks for which another Authority is the responsible Traffic Authority.

While preparing the CELRS, Cheshire East Council has had view to the requirements in relation to the Public Sector Equality Duty under section 149 of the Equality Act 2010.

Scope

The CELRS has been designed to ensure that charges can only be applied where works Promoters occupy the highway network at traffic-sensitive times. Exemptions or reduced charges are encouraged for works being completed at other times to allow Promoters to adopt less disruptive working practices.

Promoters

The CELRS and the associated charges within the regime apply to all works Promoters undertaking works on the highway network.

Specified Works

The CELRS applies to all works, as defined within the Glossary that require a permit under the relevant section of the WaSP, are executed under a NRSWA Section 50 licence, or are executed under an agreement pursuant to Section 278 of the Highways Act 1980.

The CELRS applies to works in a carriageway or a cycle track, or where works in a verge or footway encroach onto a carriageway or cycle track and thus affecting its capacity or traffic flow.

The CELRS does not apply to works that are being carried out wholly in the verge of a footway of a lane rental chargeable street and does not involve any occupation of a carriageway or cycle track. (Such occupation includes use by all associated plant, vehicles, materials or for temporary pedestrian provision.

Specified Locations

Within the DfT's Lane Rental Guidance Document, Lane Rental charges are to be targeted at the most strategic and most traffic sensitive parts of the Authority's highway network, which are streets where evidence highlights that works on the highway network cause the most significant levels of disruption and thus require the greatest efforts to plan and manage the impact of the works on pedestrians, cyclists, buses and other general vehicular traffic.

The selected streets across the Cheshire East Highway Network have been determined where the lane rental charge will encourage positive behavioural change and have the greatest impact in reducing the levels of disruption to the highway user and the associated cost of that disruption.

Cheshire East Council has selected the locations to which lane rental charges are proposed to apply have been identified from traffic data from Department for Transport, correlated with dynamic traffic data. This has then been correlated with the network hierarchy and street works engineering knowledge. The total lane rental

network length is approximately 275km which is 10% of the road network that the council maintains.

The CELRS will be applied to the specified locations that are designated as a lane rental street record within the current version of Cheshire East's Additional Street Data (ASD) file. This data is published on the National Street Gazetteer (NSG) hub (as defined in the Glossary).

The Lane Rental designation records will identify the following:

- If the designation applies to the whole street or part of the street
- If the designation applies to the carriageway or cycle track
- If the designation is a tidal record, the direction affected will be identified alongside the Lane Rental operational times, for example Northbound from 06:30 to 09:30 and Southbound from 15:30 to 18:30
- The days and times when the Lane Rental designation will apply
- The applicable charge

Cheshire East Council will ensure the publication of the standard data set as derived from the ASD file that clearly defines the specified locations to ensure the designations are uploaded into the industry geographical information systems.

Specified Days and Times

Charges under the CELRS will be applied to specific locations at the specified days and times, inclusive of Saturdays.

No charges can be applied on Sundays, Public Holidays or Bank Holidays i.e. Good Friday, Easter Sunday, Easter Monday, Christmas Day, Boxing Day and New Years Day.

Future charging arrangements for new Public Holidays will be confirmed by Cheshire East Council as required as part of the CELRS.

Charges can apply between 06:30 and 20:30 in some locations as deemed necessary, with reduced charging hours in other locations as determined by the traffic sensitivity of the designated location.

Works by Cheshire East Council or Third-Party Developers

The intention of the CELRS is to assist Cheshire East Council in minimising all disruptive occupation of the traffic sensitive sections of the Cheshire East Highway Network. As part of CELRS, Cheshire East Council will apply consistent Lane Rental charges to its own works, and works being carried out under a Section 278 Highway Act agreement.

Immediate Activities

Legitimate immediate activities (emergency works) that must be undertaken during the charging period to avoid danger to public safety or damage to property will be supplied with a 'Lane Rental Charge Free Period' to allow the immediate activities to be rectified and made safe.

The Lane Rental charge free period commences from the start of the activities on site and shall be applied for up to a period of 48 hours, after which the specified Lane Rental charges will be applied thereafter.

To reduce the number of disputes, works Promoters looking to claim this waiver must provide documentary evidence justifying the nature of the emergency when requested to do so by Cheshire East Council. Following receipt and acceptance that the evidence is sufficient to demonstrate the works category as immediate or emergency, the waiver will be granted.

The West and Shires Permit Scheme

The introduction and operation of the CELRS will complement the West and Shires Permit Scheme within the Cheshire East area. The information submitted in a permit application and relevant notices, will be utilised to determine any daily lane rental charges.

Permit Application on a Lane Rental Street

The contents of all permit applications will determine whether the planned or immediate activities are within the scope of the CELRS, it is therefore imperative for the work Promoter to provide accurate information to determine the location and duration of the works including the times.

Where the CELRS applies, the Permit Authority will assume that the activity is subject to Lane Rental charges. Should the Promoter propose to work under an exemption within the CELRS, they must ensure they include this in their relevant text in their permit application.

Permit Variations

The WaSP scheme enables Promoters to apply to vary a permit where unforeseen circumstances have prevented them from completing the activity within the agreed timeframe of their original permit request and where activity may extend beyond the reasonable period.

Where the variation will result in the activity taking place in a different Lane Rental charging band, then this must be clearly identified and indicated on the permit variation application.

Promoter must also indicate where the revised activities will result in work being undertaken in a Lane Rental chargeable area for any part of the working duration.

Highway Authority Imposed Changes

Where the Permit Authority issues a Highway Authority Imposed Change to a works Promoter, which therefore results in an activity becoming subject to the CELRS, or an increase in CELRS charge, no new or increased charges will be applicable as a direct result of the Permit Authority's instruction.

Permit Fees

Where an activity is subject to a CELRS charge a WaSP scheme permit fee will not be charged.

The WaSP related processes and procedures as defined in the West and Shires Permit Scheme documentation are integral to the CELRS.

Where a CELRS charge is not applicable for an activity, then the relevant permit fee will be applied.

On occasions where a permit fee has been applied and highlighted and that the activity carried out by the Promoter should have been subject to a CELRS charge, then all permit related fees will still be charged.

Lane Rental Charges

In accordance with the Regulations and Scope of the CELRS, CEC will apply a daily charge rate for the duration of specified works that are carried out by the undertaker at the specified location during the specified times and days of the work activities.

Calculating The Charge

When calculating the daily charges, other than for immediate activities, the works duration for the activities will begin on the dates specified in the actual start notification and end on the specified date in the works stop notification.

The charges will apply on the third calendar day of occupation for all types of immediate activity. The stated works start notification within the relevant permit application and ending on the date stated on the works clear, works closed or works stopped notification within Section 74.

Promoters are strongly encouraged to consider completing immediate activities outside of the specified days and times where possible.

When calculating the actual start and works completion dates for all activities, the Permit Authority or the Promoter may provide additional information to prove a variation to the duration of works and activity type.

In all circumstances, charges will be applied in accordance with the actual occupation of the highway and activity.

Where applicable, Section 74 overrun charges will be applied in accordance with the Section 74 Regulations following the end of the agreed reasonable period, in addition to the CELRS charges.

Charge Categories

The Regulations allow for a prescribed daily charge rate, which may be reduced or waived in certain cases, this will be applied as a Lane Rental Charge Discount (LRCD).

In accordance with the Regulations and with consideration to the objectives of the CELRS, there are a number of charge categories dependant on the location, times, and days of work.

The chargeable daily rates will be reduced according to the LRCD and will be applicable to the band of street and the reduction of lanes available.

The CELRS list of Lane Rental Roads and CELRS Charges Policy and Table set out the location bands and any applicable charge.

Where an activity footprint spans multiple charging bands at any time during the duration of the activities, then the higher band rate of charge will be applied for the days that activity footprint remains in the higher charge band.

In situations where the works have fully moved to a lower charge band, the Promoter must submit a timely permit variation. Where the permit variation is submitted for the sole purpose of providing notification that the works have transferred from one charging band to another then this permit variation would not be subject to a fee.

In such instances, the Permit Authority will determine the timings for such charges based on the receipt of the associated permit variation which will support the calculation of appropriate charges.

In accordance with Regulations 4(4) the Permit Authority reserve the right to apply discretionary discounts to the lane rental charge in exceptional circumstances.

Exemptions

No charges will be applied to works activities on Sundays, Bank Holidays and Public Holidays as listed previously.

Charges will be waived for the first 48 hours from the commencement of actual immediate or emergency works.

The below work types are exempt from Lane Rental charges under the CELRS:

- Works which are wholly carried out in the verge, footway or bridleway which have no impact on the carriageway traffic flow/capacity or cycle track at the specified location.
- Works being undertaken in the specified location, other than the specified lane rental times.
- Diversionary works being undertaken as defined in the Glossary.
- Pole replacement, lamp columns or signs in the same location.

Where one or more of the above apply, the activities Promoter must record the appropriate Lane Rental charge exemption in the permit application and, if possible, within the appropriate, works clear, stop or closed notices. Failure to submit the correct notification will result in appropriate action being taken against the work Promoter.

Lane Widths

The absolute minimum acceptable Lane Widths allowable under the CELRS are as defined within the Safety at Street Works and Road Works a Code of Practice or otherwise in any superseding code of practice for “Normal traffic including buses and HGVs”.

Lane Rental charges will not be applicable for works which do not reduce the number of lane or the minimum prescribed width available for traffic flow.

Variations to Available Lanes Within an Activity

Where a reduction in available lanes changes during an activity, the Promoter must submit a permit variation to the Permit Authority indicating the change applied at the relevant time the change was made, this notification thereby changes the discount rate to the daily charge. There is no such permit fee for these permit variations.

The Permit Authority will determine the timings for such changes base upon the actual receipt of the relevant permit variation, this information will therefore form the basis for the calculation of changes.

Works Spanning Multiple Street

Consideration may be given to applying a single charge at the highest rate where a set of activities span multiple street locations. This consideration will only be given on the condition the works only have an impact on traffic travelling in the same direction when navigating the activities. For example, traffic travelling North to South along the same length of road.

Highway Occupation

Works will only be defined as completed when the Promoter has completed any of the required reinstatement and:

- Removed all signing, lighting and guarding in respect of the activities in question.
- Removed all remaining spoil or left over materials, as well as other plant to complete the works.
- Returned the highway network to full public use (normal traffic capacity or flow)

Remedial Works

All remedial works that are undertaken at traffic-sensitive times, at the specified locations, to rectify defective reinstatement activities in the carriageway, footway or verge that impact the carriageway traffic flow or capacity will be subject to the maximum daily charge for the specified location.

Reduced Charges

In accordance with the Lane Rental Regulations, Lane Rental charges may be reduced as deemed appropriate by Cheshire East Council.

All such instances are detailed within the 'List of Lane Rental Roads and Charges' document currently published by Cheshire East Council and how these charges may be reduced.

Applications to reduce such charges must be made and agreed ahead of the works commencing by completing the 'Charge Reduction / Waiver Request Form' which is available from Cheshire East Council.

Collaborative Works

Opportunities where multiple Promoters can collaborate their working activities to reduce the levels of occupation of the highway network is strongly encouraged by the Local Authority.

Concurrent Collaborative works being undertaken by multiple works Promoters at the same location can apply to receive reduced charges for the exact period of collaboration. In these situations, the daily charge rate will be split equally between the number of Promoters following acceptance by all parties in writing.

There may be some instances where the charges may be reduced for collaboration where works originate from distinctly different divisions from the same organisation.

Major Infrastructure Improvements

Where major works deliver significant improvements to the highway infrastructure, consideration will be given to the waiving of or reducing the associated charges. Further to this, where activities substantially extend or renew the longevity of the highway asset or protect it from being excavated again will be afforded consideration for waiving or reducing charges.

Further information can be found within the CELRS Charges Policy and Table which is currently published by Cheshire East Council.

Monitoring Activity

In most cases the calculation of daily charges are based upon the dates specified in the relevant Section 74 notices submitted by the activity Promoter.

If the Permit Authority obtains evidence that the actual activities being carried out on site, during the monitoring of activities on the highway, by the Promoter varies from the notices submitted which then result in the activities being subject to a daily rate of charge, then all relevant CELRS charges and associated permit fees will apply.

The Permit Authority recognises the effect that unforeseen circumstances have on activities and will also consider the impact and fair outcomes when taking appropriate action against the Works Promoter.

Where unforeseen circumstances occur during on site activities, the Promoter is advised to make contact with the Permit Authority at the earliest opportunity to notify them of the reasons for the required changes and to discuss possible mitigation action to prevent unnecessary disruption to the highway network.

During the monitoring of activities, if the Permit Authority consider an offence to have been committed by the Works Promoter, the Permit Authority may consider issuing any relevant sanction or pursuing a prosecution.

Payment and Reconciliation

When collecting lane rental charges from the activity Promoters, the Permit Authority will ensure compliance with the Regulations.

Sanctions

Regulations 21 to 28 of the Traffic Management Act Permit Scheme (England) Regulations 2007 (and Schedules 1 & 2) authorise Cheshire East Council as a Permit Authority to issue Fixed Penalty Notices (FPNs) in respect of criminal offences.

Offences

Fixed Penalty Notices offer the offending party an opportunity to discharge liability for an offence they have proven to have committed by paying a penalty amount.

These powers along with any further amendments to the powers will continue to apply to all roads within the highway network managed by Cheshire East Council.

Similarly, offences under NRSWA continue to be offences and Cheshire East Council, as a Permit Authority maintains the right to take such action as deemed appropriate, including prosecution where such offences have been committed.

Section 74 of NRSWA

Powers under Section 74 of NRSWA will continue to be applied by Cheshire East Council.

Following the end of the agreed reasonable period, Section 74 overrun charges will apply in accordance with the Section 74 Regulations, in addition to the CELRS charges. A single payment of £100 will apply in the circumstances set out in paragraph (8) of the Regulations.

Dispute Resolution

By utilising all of the tools available to them, Cheshire East Council is committed to delivering its Network Management Duty.

Cheshire East Council remains committed to maintaining a positive working relationship with all stakeholders, and in particular those that are undertaking road and street works activities on the Cheshire East Council Highway Network.

Dispute Review

Where an agreement cannot be reached locally on matters arising in relation to the CELRS, the dispute will be referred for review on the following basis:

Where Cheshire East Council are the relevant Works Promoters consider the disputed issues to be straightforward, the matter will be refereed to members of NWHAC for an impartial review.

The review should take place within the timeframes as set out in the HAUC dispute process, from the actual date of referral. Cheshire East Council will accept the result in these circumstances as binding.

Where Cheshire East Council and the relevant Works Promoters consider the disputed issues to be complex in nature, HAUC (England) will be engaged to set up a review panel of four members, two of whom will be from the Utilities representatives and two

of whom will be from the Highway Authorities. One of the four persons will be appointed as the Chair of the panel by the HAUC (England) joint chairs.

Each party involved in the dispute must provide all relevant technical, financial and other information available to the review panel to assist with making an informed decision.

The review would normally take place within the timescales as defined in the HAUC (England) dispute process, from the date actual date to which the issue was referred to HAUC (England). The conclusions from the review panel will be binding on all parties.

If an agreement cannot be reached following the above procedure, the dispute can then be referred to independent adjudication. Adjudication within the CELRS will only be utilised if Cheshire East Council and the Promoters agree in relation to the matter under dispute, that

- The decision of the adjudicator is deemed to be final; and
- The costs of the adjudication will be equally shared unless the adjudicator considers that one party has presented a thoughtless case, in which case costs may be awarded against them.

Where the adjudication route has been followed, Cheshire East Council and the Works Promoters will apply to the joint chairs of HAUC (UK), who will appoint an independent adjudicator from a suitable professional body.

Disputes relating to matters covered by the below sections in NRSWA may be settled by arbitration, as provided for in Section 99 of NRSWA:

- Section 74 (2) – charges for occupation of the highway where works are unreasonably prolonged;
- Section 74A (12) – charges determined by reference to duration of works;

IT Systems and the National Street Gazetteer

IT Systems

As defined within the West and Shires Permit Scheme, all permit applications must comply with the defined format and content of electronic permit applications.

National Street Gazetteer

The National Street Gazetteer (NSG) and the associated Additional Street Data (ASD) will contain the related information for the CELRS specified locations.

The Permit Authority will ensure that this data is kept up to date as the NSG custodian. No variations to the CELRS will come into effect without the relevant updates being completed to the NSG and/or ASD.

Evaluation and Governance

Parity Obligation

CELRS will apply to any Highway Works being completed by Cheshire East Council in the same way it applies to all Promoters activities.

The principles applied for the application of surplus revenues will be applied equally, without consideration to the source of the revenue and consistency to the parity treatment for all activity Promoters completing works within the CELRS.

Lane Rental Scheme Evaluation

Cheshire East Council recognises the requirement to continuously review and evaluate the operational performance of the CELRS, both in terms of the effectiveness of the scheme at meeting its objectives and the efficiency of how the scheme does this.

An evaluation of the CELRS will be undertaken on an annual basis. The initial evaluation report will cover a full year from the commencement date specified in the Statutory Instrument / Lane Rental Scheme Order. See the Cheshire East Lane Rental Scheme Evaluation Plan for further details.

In advance of the CELRS taking effect, Cheshire East Council will prepare a full cost-benefit analysis to demonstrate that the schemes overall benefits are adequate to justify the full costs involved in the running of the CELRS.

The Permit Authority will collate data in order to provide a clear evaluation of the benefits to be achieved from operating the CELRS.

Surplus Revenue Policy

In accordance with the Regulations, Cheshire East Council will retain revenues as a result of the charging of activities to meet the costs incurred from operating the CELRS, including subsequent costs required for the CELRS evaluation.

All surplus revenue will be applied towards any initiatives that can be associated to the CELRS objectives, within the areas shown below.

- investment in innovation and developing new products or disruption-saving techniques
- trials of new techniques and products
- installing “pipe subways” or ducting that enable apparatus to be accessed more easily and without causing disruption to traffic
- measures to improve the quality or accessibility of records about the location of underground pipes, wires, and other apparatus

- measures to help abate noise, pollution or safety hazards arising as a result of works
- repairing potholes caused by utility street works
- implementing extraordinary measures to mitigate congestion caused by works, especially major works projects
- for surplus funds to be used for either capital or revenue projects

Surplus funds may be utilised for either capital or revenue projects.

To establish the use of any surplus revenue, Cheshire East Council or its agent will establish a CELRS Board of Trustees. This board will consist of representatives of:

- Joint Utilities Group (JUG) (comprising of water, gas, electricity and communications)
- Representatives from CEC
- An independent Board of Trustee Chair
- Representatives from the team that administers the process that evaluates requests or opportunities for funding and monitors and reports on their findings.

All requests will be submitted alongside a business case highlighting the estimated costs, benefits and expected outcomes, as well as realistic time frames.

Where a person or organisation presenting a request for funding does not have the required skills or resource to prepare such a business case, a request can be made to the team that administers to process to request support. The relevant forms will be provided upon request by Cheshire East Council.

An objective measurement will be published, alongside the results of the initiative undertaken in order to identify the overall benefit towards the network management and road users within the Cheshire East area.

Revenues generated from the CELRS will be managed separately from all other CEC revenues.

The accounts will be published on an annual basis with Cheshire East Council keeping an account of the associated revenues and costs with operating the CELRS.

Variations to the Cheshire East Lane Rental Scheme

Highway Network demands are always subject to constant change; therefore, the Permit Authority will seek to make the necessary changes in order to manage levels of demand.

It is therefore anticipated that the CELRS and scope will vary in order to ensure it is providing the necessary powers and tools for the Permit authority to meet the demands

of their statutory duty. The requirement to amend the charge discounts to ensure the incentives from the CELRS charges are achieving the desired objectives.

Any such changes to the CELRS will be formally consulted on via the North West HAUC forum.

Any changes that are deemed necessary to the specified locations or specified days and times will not vary the lane rental road network to which the scheme is applied.

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Appendix A: Glossary

Term	Explanation
Activity	Means street works as in Part 3 of NRSWA and works by licences under Section 50 of NRSWA and works for road purposes as defined by Section 86 of NRSWA
Additional street data ("ASD")	Additional Street Data ("ASD") refers to other information about streets held on the NSG concessionaire's website alongside the NSG.
Adjudication	See the Dispute Review section of the WSLRS.
Apparatus	As defined in Section 105(1) of NRSWA "apparatus includes any structure for the lodging therein of apparatus or for gaining access to apparatus
Appeal	If there is an unresolved disagreement between the Promoter and West Sussex County Council as Permit Authority, the Promoter may appeal against the Council's decision using the procedure in Section 6.
Arbitration	As defined in Section 99 of NRSWA, "any matter which under this Part is to be settled by arbitration shall be referred to a single arbitrator appointed by agreement between the parties concerned or, in default of agreement, by the President of the Institution of Civil Engineers".
Bank holiday	As defined in Section 98(3) of NRSWA, "bank holiday means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the locality in which the street in question is situated".
Carriageway	As defined in Section 329 of Highways Act 1980, "carriageway means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles".
Code of Practice for Permits	As published by Department for Transport March 2008.
Cycle Track	As defined in Section 329(1) of the Highways Act 1980, "cycle track means a way constituting or comprised in a highway, being a way over which the public have the following, but not other, rights of way, that is to say, a right of way on pedal cycles with or without a right of way on foot".
Day	In the context of the duration of activities, a day refers to a working day, unless explicitly stated otherwise.
DfT	Department for Transport.
Diversionsary	As defined in Regulation 2(2) of The Street Works (Sharing of Cost of Works) (England) Regulations 2000 and further outlined in the code of practice "Measures Necessary Where Apparatus Is Affected by Major Works (Diversionsary Works) 1992".

Fixed Penalty Notice (FPN)	As defined in schedule 4B to NRSWA, "fixed penalty notice means a notice offering a person the opportunity of discharging any liability to conviction for a fixed penalty offence by payment of a penalty".
Footpath	As defined in Section 329 of the Highways Act 1980 "footpath means a highway over which the public have a right of way on foot only, not being a footway".
Footway	As defined in Section 329 of the Highways Act 1980, "footway means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only".
HAUC(UK)	The Highway Authorities and Utilities Committee for the UK.
Highway	As defined in Section 328 of the Highways Act 1980, "highway means the whole or part of a highway other than a ferry or waterway".
Highway Authority	As defined in Sections 1 and 329 of the Highways Act 1980.
Highway works	"works for road purposes" or "major highway works".
Immediate activities	Immediate activities are either emergency works as defined in Section 52 of NRSWA or urgent works as defined in The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.
In	As defined in Section 105(1) of NRSWA, "in, in a context referring to works or activities, apparatus or other property in a street or other place includes a reference to works or activities, apparatus or other property under, over, along or upon it".
Maintenance	As defined in Section 329 of Highways Act 1980, "maintenance includes repair, and "maintain" and "maintainable" are to be construed accordingly".
Major activities	As defined within the West and Shires Permit Scheme and as found for works categories in the 2007 Notices Regulations under NRSWA.
Major highway works	As defined in Section 86(3) of NRSWA, "major highway works means works of any of the following descriptions executed by the Highway Authority in relation to a highway which consists of or includes a carriageway - (a) a reconstruction or widening of the highway; (b) works carried out in exercise of the powers conferred by Section 64 of the Highways Act 1980 (dual carriageways and roundabouts); (c) substantial alteration of the level of the highway; (d) provision, alteration of the position or width, or substantial alteration in the level of a carriageway, footway or cycle track in the highway; (e) the construction or removal of a road hump within the meaning of Section 90F of the Highways Act 1980; (f) works carried out in exercise of the powers conferred by Section 184 of the Highways

	Act 1980 (vehicle crossings over footways and verges); (g) provision of a cattle-grid in the highway or works ancillary thereto; or (h) tunnelling or boring under the highway".
Minor activities	Minor activities are those activities other than immediate emergency and major activities where the planned duration is 3 days or less.
National Street Gazetteer (NSG) – also referred to as Nationally Consistent Street Gazetteer	A database defined as "an index of streets and their geographical locations created and maintained by the local Highway Authorities" based on the BS7666 standard.
Network management duty	As stated in Part 2 of TMA.
NRSWA	New Roads and Street Works Act 1991.
NSG Custodian	The body appointed to manage the NSG on behalf of the local Highway Authorities.
NWHAUC	North West regional group of the Highway Authorities and Utilities Committee.
Permit	The approval of a Permit Authority for an activity Promoter to carry out activity in the highway subject to conditions.
Permit application	See the West and Shires Permit Scheme. The application that is made by a Promoter to the Authority to carry out an activity in the highway. It is equivalent to the notice of proposed start of works (Section 55 of NRSWA) given under the Co-ordination regime.
Permit Authority	A Local Authority or other "Highway Authority" which has been given approval by the Secretary of State to operate a permit scheme on all or some of its road network
Permit Scheme	A scheme approved by the Secretary of State or Local Order under which permits for highways activities are sought and given.
Promoter	A person or organisation who commissions or promotes works on the highway.
Prescribed	As defined in Section 104 of NRSWA, "prescribed means prescribed by the Secretary of State by regulations, which may (unless the context otherwise requires) make different provision for different cases".
Provisional Advance Authorisation (PAA)	The early provisional approval of activities in the highway. Refer to West Sussex Permit Scheme.
Reasonable period	As defined in Section 74(2) of NRSWA, "a reasonable period means such period as is agreed by the Authority and the undertaker to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable, for completion of the works in question".

Registerable	As stated in NRSWA, registerable activities correspond to specified works in the regulations and codes of practice.
Reinstatement	As defined in Section 105(1) of NRSWA, "reinstatement includes making good".
Remedial work	Remedial works are those required to put right defects identified in accordance with the provisions of the Code of Practice for Inspections and regulations.
Road	"highway".
Road category	This means one of the road categories specified in paragraph 1.3.1 of Chapter S.1 of the code of practice entitled "Specification for the Reinstatement of Openings in Highways" dated June 2002 and approved by the Secretary of State for Transport on 30th June 2002, as revised or re-issued from time to time.
Road works	Works for road purposes. See below.
Seasonal	The period between 01 April to 30 September inclusive.
Standard activities	Standard activities are those activities, other than immediate emergency and major activities, that have a planned duration of between 4 and 10 days inclusive.
Statutory right	As defined in Section 105(1) of NRSWA, "statutory right means a right (whether expressed as a right, a power or otherwise) conferred by an enactment (whenever passed or made), other than a right exercisable by virtue of a street works licence".
Street	As defined in Section 48(1) of NRSWA, "street means the whole or any part of any of the following, irrespective of whether it is a thoroughfare (a) any highway, road, lane, footway, alley or passage; (b) any square or court; (c) any land laid out as a way whether it is for the time being formed as a way or not".
Street Authority	As defined in Section 49(1) of NRSWA, "the Street Authority in relation to a street means, subject to the following provisions (a) if the street is a maintainable highway, the Highway Authority, and (b) if the street is not a maintainable highway, the street managers".
Street works	As defined in Section 48(3) of NRSWA, "street works means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: (a) placing apparatus; or (b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it, or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street".
Street works licence	As stated in Section 50(1) of NRSWA, "the Street Authority may grant a licence (a "street works licence") permitting a person (a) to place, or to retain, apparatus

	in the street, and (b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).
TMA	The Traffic Management Act 2004.
Traffic	As defined in Section 105(1) of NRSWA, "traffic includes pedestrians and animals".
Traffic control	Any of the five methods of controlling traffic detailed in the Code of Practice "Safety at Street Works and Road Works".
Traffic flow	The number of vehicles using the particular street at specified times of the day and year, measured in accordance with DfT guidelines.
Traffic Regulation Order (or Traffic Order)	This means an Order made under Section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984
Traffic-sensitive street	This means a street designated by a Street Authority as traffic sensitive pursuant to Section 64 of NRSWA and in a case where a limited designation is made pursuant to Section 64(3) any reference to works in a traffic-sensitive street shall be construed as a reference to works to be executed at the times and dates specified in such designation.
Transportation	Transport or transportation is the movement of humans, animals and goods from one location to another. In other words, the action of transport is defined as a particular movement of an organism or thing from a point A to a Point B. Modes of transport include air, land (rail and road), water, cable, pipeline and space. The field can be divided into infrastructure, vehicles and operations. Transport enables trade between people, which is essential for the development of civilization.
Undertaker	As defined in Section 48(4) of NRSWA, "undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be".
Urgent activities	Urgent activities are (a) activities (not being emergency activities) whose execution at the time they are executed is required (or which the person responsible for the activity believes on reasonable grounds to be required) (i) to prevent or put an end to an unplanned interruption of any supply or service provided by the undertaker; (ii) to avoid substantial loss to the undertaker in relation to an existing service; or (iii) to reconnect supplies or services where the undertaker would be under a civil or criminal liability if the reconnection is delayed until after the expiration of the

	appropriate notice period; and (b) Includes activity that cannot reasonably be severed from such activities.
Working day	As defined in Section 98(2) of NRSWA, "for the purposes of this Part a working day means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday; and a notice given after 4.30 p.m. on a working day shall be treated as given on the next working day".
Works	Street works or works for road purposes.
Works clear	A works clear notice is used following interim reinstatement.
Works stop	A works stop notice notifies that works are no longer occupying the highway.
Works closed	A works closed notice is used following permanent reinstatement.
Works for road purposes	As defined in Section 86(2) of NRSWA, "works for road purposes means works of any of the following descriptions executed in relation to a highway: (a) works for the maintenance of the highway; (b) any works under powers conferred by Part V of the Highways Act 1980 (improvement); (c) the erection, maintenance, alteration or removal of traffic signs on or near the highway; or (d) the construction of a crossing for vehicles across a footway or grass verge or the strengthening or adaptation of a footway for use as a crossing for vehicles".

Appendix B: Transitional Arrangements

The Permit Authority will provide the Promoter with a minimum of 12 weeks formal notice to bring the CELRS into operation.

The basic rules of transition will apply to all activities which fall within the scope covered by the CELRS:

- I. The CELRS will be applicable to all activities first notified via the WaSP, or in respect of an application for a Provisional Advanced Authorisation (PAA) or Permit is made, after the effective introduction date of the CELRS.
- II. Any Major scheme with a applicable forward planning notice received on the permitting system that has a start date within the initial 24 months period from the date of introduction of the CELRS.
- III. Any works executed under a NRSWA Section 50 licence or agreement under Section 278 of the Highways Act 1980 that commence within three months of the CELRS coming into effect will not be subject to a charge.

- IV. All major activities with a Permit under the WaSP prior to the CELRS coming into effect that commence on site within three months of the CELRS commencement date will not be subject to a charge.
- V. All Standard and Minor activities with a WaSP permit prior to the CELRS coming into effect that commence on site within one month of the CELRS into effect date will not be subject to a charge.
- VI. Where any activities covered within (IV) and (V) are varied by duration or methodology once the CELRS is in effect, they will then become subject to a charge.

Ahead of the CELRS coming into effect and during the advanced period of notice, the Permit Authority will operate a shadow-running of the CELRS for a period of four weeks.

This period will enable the works Promoters and Permit Authority to embed new ways of working, including operating processes and IT system usage.

During the transition and formal notice period and prior to the CELRS coming into effect, no CELRS charges will apply.

There are no dis-applied or modified sections from NRSWA as a result of the CELRS coming into effect.